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GP/216 *#5*
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Technology Center 2100
Direct Dial 214-999-4388
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tlandis@gardere.com

May 15, 2001

Commissioner for Patents
Washington, D.C. 20231

Re: U. S. Patent Application for "NETWORK BASED FITNESS SYSTEM"

Applicant: Don Spyker
Serial No.: 09/779,798
Filing Date: February 8, 2001
Our File: 124023-1000

Dear Sir:

Enclosed for filing are the following papers relating to the above-referenced patent application:

1. Information Disclosure Statement;
2. Form 1449 and 8 cited references; and
3. Return Postcard.

Please file the above-identified and return the date-stamped postcard to our offices at the above address. It is believed that no fee is due at this time. However, if this is incorrect, the Commissioner is hereby authorized to charge any necessary amount to Deposit Account 07-0153.

Thank you for your assistance. Should you have any questions, please call the undersigned at your earliest convenience. Otherwise, please accept the enclosed.

Very truly yours,

Todd E. Landis*

*Licensed only in New Mexico
TEL:rjc:1009244.1

Enclosures



Attorney Docket No.: 124023-1000

PATENT
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Technology Center 2100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Don Spyker
Serial No.: 09/779,798
Filing Date: February 8, 2001
Examiner: Not Yet Assigned
Group No.: 2161
For: NETWORK BASED FITNESS SYSTEM

Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

As listed on the accompanying form PTO-1449, submitted herewith are copies of the indicated references which applicant believes may be material to the examination of the above-identified application, and in respect of which there may be a duty to disclose in accordance with 37 CFR 1.56.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. Further, the filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Written notification that the enclosed references have been considered in their entirety by return of a copy of the enclosed form, completed by the Examiner, is respectfully requested.

**IDENTIFICATION OF TIME OF FILING THE
INFORMATION DISCLOSURE STATEMENT**

- This Information Disclosure Statement is being filed within three months of the filing date of the national application; or
- This Information Disclosure Statement is being filed within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or
- This Information Disclosure Statement is being filed before the mailing date of the First Office Action on the merits; or

[] This Information Disclosure Statement is being filed after three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office Action on the merits, whichever event occurred last but before the mailing date of either a final action under § 1.113 or a notice of allowance under § 1.311, whichever occurs first.

Accompanying this transmittal is:

[] a certification specified in 37 CFR § 1.97(e); or

[] a fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under § 1.97(c) - (\$240.00)

[] This Information Disclosure Statement is being filed after a final action under § 1.113, whichever occurs first, but before, or simultaneously with the payment of the issue fee.

Accompanying this transmittal is:

- a. a certification as specified in 37 CFR 1.97(e);
- b. Applicant hereby petitions for the consideration of the accompanying information disclosure statement. 37 CFR 1.97(d)(ii); and
- c. Applicant submits the petition fee set forth in 37 CFR 1.17(i)(1) — (\$130.00).

CERTIFICATION FOR INFORMATION DISCLOSURE STATEMENT 37 CFR 1.97(e)
(Only if Required Above)

I, the person(s) signing below certify:

[] that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement. 37 CFR 1.97(e)(1); or

[] that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in the counterpart foreign application to the knowledge of the person signing the certification after making reasonably inquiry, was known to any individual designated in § 1.56(c) more than three months prior to the filing of the statement. 37 CFR 1.97(e)(2).

FEE PAYMENT

[]

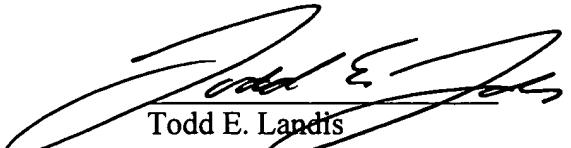
attached is a check in the
amount of
\$ _____

[] charge Deposit Account No. 07-0153
in the amount

\$ _____

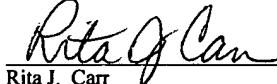
A duplicate of this request is attached. Applicant believes no additional fees are due for the filing of this IDS. However, if any additional fees are due, or any overpayments have been made, please charge, or credit, Deposit Account No. 07-0153.

Dated: May 15, 2001


Todd E. Landis
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(214) 999-3388 (FAX)

CERTIFICATE OF MAILING
Date of Deposit: May 15, 2001

I certify that the accompanying paper is being deposited with the United States Postal Service via first class mail service under 37 CFR 1.8 on the date indicated above and is addressed to the Commissioner for Patents, Washington, DC 20231.


Rita J. Carr

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 124023-1000	SERIAL NO. 09/779,798
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		RECEIVED MAY 23 2001	
(Use several sheets if necessary)		FILING DATE: 02-08-01	GROUP: 2161 Technology Center 2100

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
P1		6,094,681	07-25-00	Shaffer, et al.	709	224	
P2		6,092,102	07-18-00	Wagner	709	206	
P3		6,053,844	04-25-00	Clem	482	8	
P4		6,049,801	04-11-00	Whitmyer, Jr.	707	10	
P5		6,049,698	04-11-00	Capers, Jr., et al.	455	38.2	
P6		5,895,468	04-20-99	Whitmyer, Jr.	707	10	
P7		5,810,747	09-22-98	Brudny, et al.	600	595	
P8		5,390,238	02-14-95	Kirk, et al.	379	93	

FOREIGN PATENT DOCUMENTS

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.